

DAVID HUNTER (Corrections No. #H-41621)
High Desert State Prison - CDCR
P.O. Box 3030 (C2-213)
Susanville, California 96127-3030

FILED
08 MAY -5 PM 1:28
U.S. DISTRICT COURT
SUSANVILLE, CALIFORNIA

Petitioner, in propria persona

UNITED STATES DISTRICT COURT - NORTHERN DISTRICT

David HUNTER,

Petitioner,

v.

Tommy L. FELKER, Warden-HDSP,

Respondent.

Case No. C 07 - 3292 MHP (PR)

EX PARTE APPLICATION FOR EXTENSION OF
TIME AND DECLARATION OF DAVID HUNTER

(28 USC 2254 Proceeding)

COMES NOW, Petitioner David Hunter, pro se pursuant to Federal Rules of Civil Procedure, Rule 6(b) and hereby request this Honorable Court for an enlargement of time until May 18, 2008 in which to file his Traverse to Respondent's Answer.

By minute order filed on January 9, 2008, this Court allowed Petitioner leave to file a Traverse on or before April 18, 2005. Regrettably, additional time is required for the reasons set forth in the accompanying declaration of pro se counsel.

DATED: *APRIL 30, 2008*

Respectfully submitted,

By: *David Hunter*
DAVID HUNTER

DECLARATION OF DAVID HUNTER IN SUPPORT OF EXTENSION OF TIME APPLICATION

David Hunter declare under penalty of perjury as follows:

1. He is the pro se counsel of record before this Court indexed under case number #C 07 - 3292 MHP (PR), in the case of Hunter v. Felker.
2. On January 9, 2008 by order of the Court Petitioner was allowed leave to file a Traverse to Respondent's Answer.
3. Immediately upon receipt of Respondent's Answer, Petitioner set out attending to the matter. Unfortunately, Respondent did not file the Answer by March 14, 2008 as was required by the Court's January 9, 2008 Order. Succeeding that Petitioner set out researching and preparing a motion for Respondent's default. The time time utilized for that motion precluded Petitioner from making the April 18, 2008 deadline. And several days after that, he was noticed that Respondent's had been granted an extension for the filing of the Answer from March 14, 2008 to April 10, 2008.
4. Consequently, Petitioner could not meet the Court's allowable time frame and additional time will be needed to conduct research to prepare his Traverse without undue delay.
5. Declarant apologize for any inconvenience and added work caused by this unforeseen mishap, and upon completion of the work product it will be mailed to the Court in a timely manner.

I declaration under penalty of perjury that the foregoing statements are true and correct. Executed this day of 2008 at Susanville, California.

DATED: *APRIL 30, 2008*


DAVID HUNTER